

DFEH News Brief

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For Immediate Release

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DFEH AUTOMATES FASTER ACCESS TO CIVIL RIGHTS PROTECTIONS

ELK GROVE, CA -- Hailing it as another step to ensure Californians speedy access to civil rights protections, the California Department of Fair Employment & Housing (DFEH) today officially unveiled its new, fully-automated system for issuing right-to-sue letters via the Internet. The system is designed for complainants with private counsel who wish to proceed directly to court on employment discrimination, harassment and retaliation complaints.

"There is no more vital role for state government than protecting the civil rights of Californians," said Rosario Marin, Governor Schwarzenegger's Secretary for State and Consumer Services. "This new, automated system not only speeds up access to the courts when violations occur; it carries out the Governor's desire to make government accessible and efficient for all Californians."

As the largest state civil rights agency in the nation, DFEH investigates and prosecutes violations of the California Fair Employment & Housing Act (FEHA). However, some complainants elect to bypass a DFEH investigation and proceed directly to court with their own attorneys. Before they can file an employment discrimination lawsuit under the FEHA, the statute requires that they first exhaust their administrative remedies by obtaining a right-to-sue letter from DFEH. The letters are issued by DFEH upon complainants' requests.

"To the average citizen, a right-to-sue letter may sound like a minor legal technicality," said Secretary Marin. "But, in reality, it is a vital document in civil rights protections, because it opens the door into the court system for complainants."

Until now, complainants or their attorneys had to send applications to DFEH and wait for the Department to manually process and mail back the right-to-sue letters to the complainants.

"With today's announcement, that delay is no longer necessary," said DFEH Director Phyllis W. Cheng. "Now complainants represented by counsel can go onto the Internet at any time and exhaust their administrative remedies. I'm pleased that technology now makes it possible for the first time to provide that basic civil right without delay."

But Cheng cautioned that complainants thinking of downloading a right-to-sue letter "should first seek the advice of counsel before taking that step. By obtaining a right-to-sue letter, they are giving up their right to have their complaints investigated by DFEH, even if they decide later not to file a lawsuit. That is a step they should not take without legal advice."

The new, automated right-to-sue application was field tested for three months by the California Employment Lawyers Association. The form and instructions can be accessed by clicking on the following link: <http://www.dfeh.ca.gov/OnlineRTS/> or by visiting the DFEH Web site at www.dfeh.ca.gov.

The FEHA, enforced by DFEH, prohibits discrimination and harassment in employment based on race; color; religion; sex (pregnancy or gender); sexual orientation; marital status; national origin (including language use restrictions); ancestry; disability (mental and physical, including HIV and AIDS); medical condition (cancer/genetic characteristics); age (40 and above); denial of family and medical care leave; and denial of pregnancy disability leave or reasonable accommodation.

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